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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,398	11/19/2001	Michel Marchisseau	01200.546	8244

7590

12/30/2003

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EXAMINER
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KOCH, GEORGE R .

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,398

Applicant(s)

MARCHISSEAU ET AL.

Examiner

George R. Koch III

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 11-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The proposed drawing correction filed on 9/15/2003 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.
2. The cancellation of "Figure Pour Abrege" is acknowledged.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Honda (US Patent 6,500,294 B1).

Honda discloses a method of securing friction liners as claimed (see especially Figure 4).

Honda especially discloses that the friction liner has a support plate and adhesion zones (see, for example Figure 7). Honda further discloses an adhesive

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applying step consisting of depositing a predetermined amount of adhesive on the adhesive applying zone of an applying means, wherein the adhesion zone corresponds to the adhesion zone (see especially Figures 19 through 27 which disclose various patterns and adhesion zones).

As to claim 2, Honda discloses a first, impregnation phase, and a second, adhesive applying phase (see also columns 21, lines 4 to 38, and for example, Figure 1).

As to claim 3, Honda discloses a backing head in the form of support 9 in Figure 1.

As to claim 5, Honda discloses rotating the support plate (also item 9, see Figure 1).

As to claim 6, Honda discloses controlling the application of adhesive via control of the thickness (see column 21, lines 4-38).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda as applied above, and further in view of Krenkel (US Patnet 6,042,935).

Honda does not discloses using opposed applicator heads.

Krenkel discloses that it is known to have friction liners on opposed sections of the support plate (see, for example, Figure 2 and 4). One in the art would appreciate that such an friction liner, when made by Honda's method, could require application of adhesive to both sides of the support plate. One would further realize that substantial time savings could be realized by applying the adhesive simultaneously to opposite faces of the support plate. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized opposed applicators in order to achieve faster production times.

8. Claims 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda as applied above, and further in view of Krenkel and Silverbrook (US Patent 6,530,339 B1)

Honda does not discloses using opposed applicator heads.

Krenkel discloses that it is known to have friction liners on opposed sections of the support plate (see, for example, Figure 2 and 4). One in the art would appreciate that such an friction liner, when made by Honda's method, could require application of

adhesive to both sides of the support plate. One would further realize that substantial time savings could be realized by applying the adhesive simultaneously to opposite faces of the support plate, as suggested by Silverbrook, which uses opposed applicators (Figure 1, item 16). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized opposed applicators in order to achieve faster production times.

9. Claims 1 and 2 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Bacher (US Patent 6,102,184) in view of Sakano (JP 3-88347, published April 12, 1991).

Bacher discloses method of securing friction liner on an annular support plate, the plate having an outer periphery defining a radial blade having opposed lateral faces including at least one lateral fastening face which defines an adhesion zone of predetermined form positioned on the fastening face, the method being a method of adhesively bonding the friction lines on at least one said lateral fastening face and comprising an adhesive applying step which consists in depositing a predetermined quantity of adhesive on said adhesion zone (see column 1, line 63 to column 2, line 4).

Bacher does not disclose that the deposition of adhesive is carried out by means of an adhesive applicator defining an adhesive applying zone, the form of which corresponds to that of the adhesion zone.

Sakano discloses means for performing the deposition of adhesive, wherein the means of an adhesive application define an adhesive applying zone, the form of which

corresponds to that of the adhesion zone (See Figure 1, items 1a). Sakano discloses that the adhesive is first impregnated onto the applicator head, and second, the applicator head contacts the adhesion zone and transfers the adhesive. Sakano discloses that such an adhesive applicator ensures that there is no irregularity in the thickness of the resin or adhesive, and thus ensures proper bonding positions and quantities. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a deposition means as in Sakano in order to ensure proper bonding and bonding positioning.

As to claim 2, Sakano as applied in claim 1 discloses the impregnation and transfer steps as claimed.

### ***Response to Arguments***

10. Applicant's arguments filed 9/15/2003 have been fully considered but they are not persuasive. Applicant argues that Honda does not disclose an adhesive applying zone. This argument is not persuasive because the position where the adhesive is applied is considered to be an adhesive applying zone. Applicant's claim language does not exclude the description as in Honda. Furthermore, applicant's claim language is broad enough to comprise a wide variety of adhesive types, including tape. Furthermore, corresponding is broad language, and the adhesive applying zone of Honda and the secondary references is considered to correspond to the adhesion zone.

11. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Allowable Subject Matter***

12. Claims 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, while disclosing the adhesive applying steps and the use of applicator heads and control of the adhesive quantity (see, for example, Bacher and Sakano, as applied above, or Honda as applied above), makes no disclosure of using an optical system to detect either the presence of adhesive on the support plate but outside the adhesion zone (as recited in claim 6) or absence of adhesive on at least a part of the adhesion zone (as recited in claim 7).

### ***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not



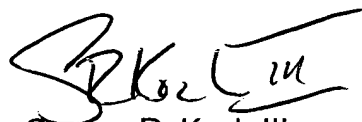
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-800-877-8339 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
George R. Koch III  
December 28, 2003

  
J.A. LORENZO  
PRIMARY EXAMINER